FIRST

ANNUAL MESSAGE

OF THE

GOVERNOR,

TO THE LEGISLATIVE ASSEMBLY OF

UTAH TERRITORY.

SEPTEMBER 22, 1851

[1000 COPIES ORDERED TO BE PRINTED.]

FELLOW CITIZENS OF THE COUNCIL AND HOUSE OF REPRESENTATIVES, OF UTAH TERRITORY.

Having called you from your various avocations, to convene in General Assembly at an earlier day and upon a shorter notice than might appear desirable. I will proceed without delay to lay before you, the chief reason for so doing, as well as make such other suggestions, as to me shall appear necessary and proper, and as shall occur to my mind.

It is a matter of congratulation to me, that thus far in our history, political and social, unity has pervaded our councils, fidelity and integrity our trusts, and while freely admitting the embarrassments of new and untried positions in the affairs of Government, yet, there are none other, than those whose information extends to the wants and wishes of the people, with whom they have to do, that are so well qualified to become the recipients of their confidence.

Hence the wisdom and necessity of local Legislation, of Legislation by the immediate representatives of the people, who coming as they do, from their midst, must necessarily know what laws are best calculated for their benefit, and will best suit their circumstances. The General Government accordingly organized the Government of Utah, and while she reserves unto herself the right of appointing a few of the principal officers, nevertheless extends to the Legislative Assembly of the Terri-

tory, "all rightful subjects of Legislation, consistent with the constitution of the United States, and the provisions of the organic laws."

The subject which I have upon my mind, and which I wish to lay before you more particularly at this time, is the fact of no provisions being made in the organic act for vacancies occasioned by the "deaths, removals or other necessary absence" of any of the officers, so appointed by the General Government, except the Governor; in case of which vacancy, occurring, the Secretary, performs the duties thereof, until such vacancy shall be filled, or the disability cease to exist. This subject becomes of greater moment, from the fact of several of the officers so appointed by the General Government, proposing to leave the Territory early in October next, nor would this involve this Government in so much difficulty, were its proximity to the General Government less, or its means of communication thereto more extensive. But being liable to be deprived of any, and especially so many of those important officers for such a length of time, as necessarily must transpire in the event of their going, and Congress not having provided any remedy, it appears to become not only a 'rightful', but a necessary subject of Legislation; to provide by law for the present emergencies. Upon the arrival of the Territorial Officers, the Territory was districted, and the Judges assigned their Judicial Districts. They have, and are, organizing courts in their several districts, preparatory to business.

Intimately connected with this subject, and one that will be productive of much convenience, and good to the people, as well as those entrusted with the adjudication and execution thereof, will be a code of laws, which, although they may not be very extended in their character, should at least show the organization of Government, and the modus operandi thereof, sufficient to indicate the road to speedy and impartial Justice. It is more than probable, that such of the Supreme Court as shall remain, would take a pleasure in meeting a committee from the legislative assembly, and give them the benefit of their "legal learning," in the formation of such a code, if the Assembly should indicate a wish for them to do so.

It is known that this Territory has not been without law, but to re-enact and adopt, those which will be most conducive to the public good, and such others, as may be deemed necessary; will require much reflection and time.

For when we reflect, that the future destiny of our young commmonwealth, depends in part upon its earlier legislation, it becomes us all, well to consider upon the importance of the duties devolving upon us, and not neglecting any known duty. Still, giving due consideration in the ordaining of those laws, which will necessarily entwine themselves around us, either to entaugle us in the meshes of conflicting and unmeaning laws, or form those bulwarks of National Liberty, Idependence and Justice, which shall secure those blessings not only to ourselves, but to succeeding generations.

Through the munificence of the General Government, we have extended unto us, increased facilities for spending our time for the public weal; for however much the honest pride of gratuitous public service, may flatter its humble recipients, yet, whilst it impoverishes all, but his

honorable name, and his country's cause, his anxieties will scarcely be lulled, his daily supplies but rarely replenished.

Knowing however, as I do, that no such inducement has hitherto attached itself to the officers of this Territory, in the faithful discharge of their duties, so in the future, I shall expect to see the same disinterested devotion to the public welfare. You have doubtless observed that the organic act requires various duties to be performed by the legislative assembly at its first session, which were in the first instance devolved upon the executive. I will dismiss this part of the subject, by merely calling your attention to it and remarking that the power thus vested in me has only been exercised, when the duty seemed imperative or public necessity required. I intend however to avail myself of the convening of the assembly, to further organize the territory, by appointing, in connection with the Council, all such officers as may be necessary to hold their offices until superceded by an election, or otherwise, as the assembly shall direct.

The library, which through the liberality of the general government has been bestowed upon this territory, having principally arrived, it becomes necessary to provide by law, for the safe keeping and preservation of this munificent donation; a greater than which, could scarcely be found, or have been more acceptable for the use or benefit of Utah. It is proper to remark, that the gift has been greatly enhanced by the choice selection, and assiduous labors of our fellow citizens, and delegate to congress, the honorable John M. Bernhisel: in procuring voluntary contributions, from various literary and scientific institutions, throughout the United States; as well as the works of several distinguished authors, and miscellaneous contributions from publishers, editors, &c,: thus furnishing a library in the midst of the mountains, in the wilderness of deserts, of which the oldest and wealthiest state might well be proud; in this connection I wish to state, that the provisional government did grant a charter for the university of Deseret, and make an annual appropriation of five thousand dollars for its benefit.

The president and regents of this institution, have selected a site for their buildings, and grounds; and commenced some permanent improvements thereon. I therefore recommend that you extend unto them, all necessary legislation, and such pecuniary assistance, as you shall find it in your power to give.

For the advancement and encouragement of primary schools, I merely suggest at this time, that it is a subject which should attract your early attention; and will add, that some system might with propriety be adopted, which requiring the inhabitants of each neighborhood consisting of a certain number of families, (to be fixed by law,) to maintain a school therein; a superintendent of public instruction, with a fixed salary, might be of incalculable benefit at this early period of our national existence, in the formation of an uniform system of common schools, as well as in introducing an uniform system of puble instruction. These duties might with propriety be devolved upon the president, or some member of the board of regents, who might be enabled through the encouragement thus afforded, to devote his time to this interesting and eminently useful branch of business.

The provisional government also located the seat of government for Utah territory, at G. S. L. City, and devoted 'Union square' in said city for the use of public buildings for said territory. This act of the provisional government, if it meets with your approval, should be ratified by you.

Unlike any other territory, or state, we are entirely surrounded by savage Tribes, who are wild in their nature, ferocious in their character, and being withal somewhat warlike, it becomes necessary to provide for the efficient organization of the militia. I would recommend that encouragement be given to secure mounted troops, so far as practicable, as being the most expeditious and efficient, to protect the distant frontier from the depredations of those wild men of the mountains.

A secure place for the safe keeping and confinement of criminals, should also be provided, and I would propose that the general government be memorialized, for an appropriation for this purpose.

I do not purpose at this time going into details of the various branches of necessary legislation, pertaining to the government of Utah; but merely directing your attention to those things which lie immediately before us, and which are required to be attended to, by the organic act at your first session. It will of course remain with your honorable body to continue in session during your own good pleasure. I am aware that the time might be profitably employed for many months, as it must be obvious to all, as it is to me, that the legislative assembly have great and important duties to discharge. I would however recommend that you do not adjourn until you shall have accomplished the necessary legislation.

If therefore, your session should be prolonged, I shall avail myself of the privilege of again communicating with you, feeling as I do, an ardent desire to see good and wholesome laws suited to the condition of the people. and the government established upon a permanent basis. I will now close by invoking the assistance of Almighty God, that he may vouchsafe unto us all, wisdom, commensurate with the duties resting upon us, that the spirit of unity, peace, and enlightened intelligence, may pervade all our acts.

BRIGHAM YOUNG.

G. S. L. City, Sep. 22, 1851.